

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
BECKLEY GRAND JURY 2010  
JANUARY 4, 2011 SESSION

**FILED**

JAN - 4 2011

TERESA L. DEPPNER, CLERK  
U.S. District Court  
Southern District of West Virginia

UNITED STATES OF AMERICA

v.

CRIMINAL NO.

*3:11-00002*

18 U.S.C. § 2252A(a) (2)  
18 U.S.C. § 2252A(b) (1)  
18 U.S.C. § 2252A(a) (5) (B)  
18 U.S.C. § 2252A(b) (2)

JAMES W. GIPSON, II

**SEALED**

I N D I C T M E N T

The Grand Jury Charges:

COUNT ONE

On or about January 7, 2006, at or near Huntington, Cabell County, West Virginia, and within the Southern District of West Virginia, defendant JAMES W. GIPSON, II, did knowingly receive child pornography, as defined in Section 2256 of Title 18 of the United States Code, that is, visual depictions of children under the age of eighteen years engaged in sexually explicit conduct, that had been shipped and transported in interstate and foreign commerce, by any means, including by computer.

In violation of Title 18, United States Code, Sections 2252A(a) (2) and 2252A(b) (1).

COUNT TWO

On or about January 12, 2006, at or near Huntington, Cabell County, West Virginia, and within the Southern District of West Virginia, defendant JAMES W. GIPSON, II did knowingly possess material, that is, computer graphic image files, containing hundreds of images and videos of child pornography, as defined in Section 2256 of Title 18 of the United States Code, that is, visual depictions of children under the age of eighteen years engaged in sexually explicit conduct, that had been shipped and transported in interstate commerce by any means, including by computer.

In violation of Title 18, United States Code, Sections 2252A(a) (5) (B) and 2252A(b) (2) .

**FORFEITURE**

In accordance with Section 2253(a) of Title 18 of the United States Code, and Rules 7(c)(2) and 32.2(a) of the Federal Rules of Criminal Procedure, and premised on the conviction of defendant JAMES W. GIPSON, II of a violation of 18 U.S.C. §§ 2251 et seq., as set forth in this indictment, the defendant shall forfeit to the United States any visual depictions and any books, magazines, periodicals, films, videotapes, and other matter which contains such visual depictions, which were produced, transported, mailed, shipped, or received in connection with the violations set forth in this indictment, any real and personal property constituting or traceable to gross profits or other proceeds obtained from the violations set forth in this indictment, and any real and personal property used or intended to be used to commit or to promote the commission of the violations set forth in this indictment, including, but not limited to the following:

- One Hitachi 30 GB hard drive, Model IC25N030ATMR04-0, serial number MRG2E9KBDNVBKJ.

R. BOOTH GOODWIN II  
United States Attorney

By: \_\_\_\_\_

LISA G. JOHNSTON

Assistant United States Attorney